

**ORAL ARGUMENT SCHEDULED NOVEMBER 24, 2025****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ASSOCIATED PRESS,

Plaintiff-Appellee,

v.

TAYLOR BUDOWICH, et al.,

Defendants-Appellants.

No. 25-5109

**MOTION FOR EXTENSION  
OF TIME TO FILE REPLY BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b), the government respectfully moves for an extension of time to file its reply brief in the above-captioned case. In support of that request, the government states as follows:

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The government’s reply brief is currently due October 20, 2025. The government respectfully requests an extension of that deadline until Congress has restored appropriations to the Department. In particular, the government respectfully requests that, when appropriations are restored, its reply deadline be extended for the number of days commensurate with the duration of the lapse in appropriations. Thus, for example, if the lapse lasts 14 days, the government’s new deadline would be November 3, 2025 (14 days from October 20, 2025).

4. Given that the Court has scheduled argument for November 24, 2025, we recognize that the Court may wish to state a date past which the government’s reply deadline will not be extended. Should the Court do so, the government will comply with any deadline set by the Court.

5. Opposing counsel has asked the government to include the following as a statement of the AP's position: "Given this Court's direction that '[c]ases calendared for oral argument during the months of October and November will proceed as scheduled' and that '[p]arties remain obligated to meet all scheduled deadlines for filing and comply with the filing requirements of the Federal Rules of Appellate Procedure and this court's Local Rules,' as well as the Court's September 29, 2025 Order denying the government's motion to reschedule oral argument, the AP is obligated not to consent to this motion."

For the foregoing reasons, although we greatly regret any disruption caused to the Court and the other litigants, the government respectfully moves for an extension of its reply deadline as set forth above.

Respectfully submitted,

YAAKOV M. ROTH

*Principal Deputy Assistant  
Attorney General*

ERIC D. MCARTHUR

*Deputy Assistant Attorney  
General*

MARK R. FREEMAN

DANIEL TENNY

/s/ Steven A. Myers

STEVEN A. MYERS

*Attorneys, Appellate Staff  
Civil Division, Room 7232  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
(202) 305-8648  
Steven.A.Myers@usdoj.gov*

Submitted: October 6, 2025.

### **CERTIFICATE OF COMPLIANCE**

This motion complies with the length requirement of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 378 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word in Century Schoolbook 14-point font, a proportionally spaced typeface.

/s/ Steven A. Myers  
Steven A. Myers

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2025, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Steven A. Myers  
Steven A. Myers